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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,906

10/21/2003

Keigo Fujiwara

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

8321 OLD COURTHOUSE ROAD

SUITE 200

VIENNA, VA 22182-3817

EXAMINER

RUSSELL, WANDA Z

ART UNIT

PAPER NUMBER

2616

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07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/688,906	Applicant(s) FUJIWARA ET. AL.	
	Examiner Wanda Z. Russell	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 2002-310147.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>21 October 2003</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: ____ |
|---|--|

DETAILED ACTION

Oath/Declaration

1. It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

CORRECT STATEMENT should read "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Standards, e.g. H.323 in all claims, change over time, and will have various scopes. They also have different versions. Therefore they are indefinite unless clearly set forth the date in the specification or IDS.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 3, 5, 7, and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Kawahata et al. (Pub No. US 2001/0014095).

For **claim 1**, Kawahata et al. teach an IP network system (Fig. 1) comprising:
an IP-PBX (exchange, 13, 15-Fig. 1, and [0039], lines 3-4) as an exchange compliant with an IP network (Fig. 1);

an IP terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) managed (central controlling, [0039], line 6) by the IP-PBX for performing communication over a PBX protocol ([0039], line 8, and lines 7-8) defined by the IP-PBX;

an H.323 terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) for performing communication over an H.323 protocol ([0119], line 2); and

an H.323 gatekeeper (17-Fig. 1, and [0039], lines 10-11. H.323 gatekeeper acts as a virtual switch) managing the H.323 terminal device over the H.323 protocol for performing protocol conversion ([0039], line 8 & lines 7-10) between the PBX protocol and the H.323 protocol, wherein:

the IP-PBX, the IP terminal device, the H.323 terminal device and the H.323 gatekeeper are connected to the same IP network (Fig. 3).

For **claim 3**, Kawahata et al. teach an IP network system (Fig. 1) comprising:
an IP-PBX (exchange, 13, 15-Fig. 1, and [0039], lines 3-4) as an exchange compliant with an IP network (Fig. 1);

an IP terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) managed (central controlling, [0039], line 6) by the IP-PBX for performing communication over a PBX protocol ([0039], line 8, and lines 7-8) defined by the IP-PBX;

an H.323 terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) for performing communication over an H.323 protocol ([0119], line 2); and

an H.323 gatekeeper (17-Fig. 1, and [0039], lines 10-11. H.323 gatekeeper acts as a virtual switch) managing the H.323 terminal device over the H.323 protocol for performing protocol conversion ([0039], line 8 & lines 7-10) between the PBX protocol and the H.323 protocol, wherein:

the IP-PBX, the IP terminal device, the H.323 terminal device and the H.323 gatekeeper are connected to the same IP network (Fig. 3); and

the H323 terminal device deals with supplemental service functions compliant with H450 ([0119], line 2) by the ITU-T recommendation.

For **claim 5**, Kawahata et al. teach an IP network system as claimed in claim 3, wherein the H.323 gatekeeper:

receives (reads out, [0014], line 1) from the H.323 terminal device a service-use request message compliant with the H450 ([0119], line 2);

converts ([0039], line 8 & lines 7-10) the protocol of the received message from an H450 protocol to the PBX protocol to transmit the message to the IP-PBX;

receives (reads out, [0014], line 1. All connections are bi-directional. See Fig. 1) from the IP-PBX a service-use response message compliant with the PBX protocol; and

converts ([0039], line 8 & lines 7-10) the protocol of the received message from the PBX protocol to the H450 protocol to transmit the message to the H.323 terminal device.

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For **claim 7**, Kawahata et al. teach an H.323 gatekeeper (17-Fig. 1, and [0039], line 11. H.323 gatekeeper acts as a virtual switch) connected via an IP network (Fig. 1) to a communication system (Fig. 1) employing a predetermined protocol (H245, [0119], line 2) other than the H.323 protocol, in compliance with an H.323 protocol, for:

managing (central controlling, [0039], line 6) an H.323 terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) connected via the IP network (Fig. 1); and

performing ([0039], line 8 & lines 7-10) protocol conversion between the H.323 protocol and the protocol employed in the communication system to control voice communication between the H.323 terminal device and the communication system ([0002], line 2).

For **claim 8**, Kawahata et al. teach an H.323 gatekeeper as claimed in claim 7, for:

receiving (reads out, [0014], line 1) from the H.323 terminal a service-use request message compliant with H450 ([0119], line 2) by the ITU-T recommendation;

converting ([0039], line 8 & lines 7-10) the protocol of the received message from an H450 protocol to the protocol employed in the communication system to transmit the message to the communication system;

receiving (reads out, [0014], line 1. All connections are bi-directional. See Fig. 1) from the communication system a service-use response message compliant with the protocol employed in the communication system; and

converting ([0039], line 8 & lines 7-10) the protocol of the received message from the protocol employed in the communication system to the H450 protocol to transmit the message to the H.323 terminal device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2, 4, and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahata et al. (Pub No. US 2001/0014095), in view of Jorgensen (U.S. Patent 6,862,622).

For **claim 2**, Kawahata et al. substantially teach everything claimed as applied above (see claim 1). However, Kawahata et al. fail to specifically teach the IP terminal device is a wireless base station.

Jorgensen teaches the IP terminal device is a wireless base station (302-F3B).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kawahata et al. with Jorgensen to obtain the invention as specified, for providing real-time, two-way communications for voice communications, and maybe video and data as well.

For **claim 4**, Kawahata et al. teach an IP network system (Fig. 1) comprising:
an IP-PBX (exchange, 13, 15-Fig. 1, and [0039], lines 3-4) as an exchange compliant with an IP network (Fig. 1);

an IP terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) managed (central controlling, [0039], line 6) by the IP-PBX for performing communication over a PBX protocol ([0039], line 8, and lines 7-8) defined by the IP-PBX;

an H.323 terminal device (Extension 11, 12, 14-Fig. 1, and [0039], line 1) for performing communication over an H.323 protocol ([0119], line 2); and

an H.323 gatekeeper (17-Fig. 1, and [0039], lines 10-11. H.323 gatekeeper acts as a virtual switch) managing the H.323 terminal device over the H.323 protocol for performing protocol conversion ([0039], line 8 & lines 7-10) between the PBX protocol and the H.323 protocol, wherein:

the IP-PBX, the IP terminal device, the H.323 terminal device and the H.323 gatekeeper are connected to the same IP network (Fig. 3); and

the H323 terminal device deals with supplemental service functions compliant with H450 ([0119], line 2) by the ITU-T recommendation.

However, Kawahata et al. fail to specifically teach the IP terminal device is a wireless base station.

Jorgensen teaches the IP terminal device is a wireless base station (302-F3B).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kawahata et al. with Jorgensen to obtain the invention as specified, for providing real-time, two-way communications for voice communications, and maybe video and data as well.

For **claim 6**, Kawahata et al. teach everything claimed as applied above (see claim 4). In addition, Kawahata et al. teach an IP network system as claimed in claim 4, wherein the H.323 gatekeeper:

receives (reads out, [0014], line 1) from the H.323 terminal device a service-use request message compliant with the H450 ([0119], line 2);

converts ([0039], line 8 & lines 7-10) the protocol of the received message from an H450 protocol to the PBX protocol to transmit the message to the IP-PBX;

receives (reads out, [0014], line 1. All connections are bi-directional. See Fig. 1) from the IP-PBX a service-use response message compliant with the PBX protocol; and

converts ([0039], line 8 & lines 7-10) the protocol of the received message from the PBX protocol to the H450 protocol to transmit the message to the H.323 terminal device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Z. Russell whose telephone number is (571) 270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WZR


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WING CHAN
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